



PO Box 3704, Bloemfontein, 9300
2nd Floor, Bram Fischer Building, De Villiers Street, Bloemfontein
Tel: +27(0)51 405 8621, Fax: +27(0)51 405 8108

Your Ref:	Our Ref:
Room 201, Bram Fischer Building	Date: 20 January 2021

Cllr Dulandi Leech
Mangaung Metro Municipality

Dear Councillor

THE RULE 38 QUESTION: NUMBER 6 TOTIUS AVENUE, LANGENHOVEN PARK

With reference to your letter dated 19 September 2019 regarding the above-mentioned matter bears reference.

More and more owners of residences in Langenhoven Park have over the past year converted their properties into illegal businesses and or Student Houses. With specific reference to Erf 128, Langenhoven Park the DA would like to ask the following Rule 38 Questions:

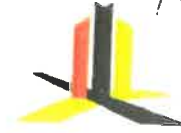
1. **Was an inspection done on the said premises?**
 - Yes
2. **If so; when was the inspection done?**
 - 24 October 2019
3. **If so; which findings were made during the inspection?**
 - Illegal land use (business operating in a residential zoned property)
 - Illegal land use and deviation from approved plan contravention notices issued
4. **Has the owner submitted any building plans for the said premises?**
 - No (only for residential purposes, submitted and approved in 2008)
5. **If so; when were the building plans submitted?**

- Not applicable
- 6. If so; when were the plans approved by the metro?**
- Not applicable
- 7. If so; has the property been changed according to these building plans?**
- Not applicable
- 8. For which use does the owner intend to use the premises?**
- The premises are used for both residential and business
- 9. What is the zoning of the said residence?**
- Residential see attached zoning certificate
- 10. Is the owner currently using the property as a pub or other business?**
- Residential and other businesses (hairdressing, woodworking etc.)
- 11. If so; does the owner have the necessary permission from the metro to do so?**
- No, hence the issuance of contravention notices
- 12. If not; has a warning and or fine been issued?**
- Only contravention notices issued, fines will be issued in 30 days after expiration of contravention notice. See attached
- 13. If so; when was this done?**
- 27 & 29 October 2019

Yours faithfully


Adv. Tankiso Mea
City Manager

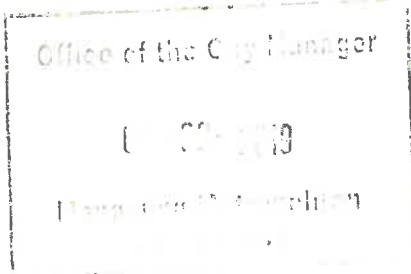
Hlo Mkhembu



MANGAUNG
METRO MUNICIPALITY
METRO MUNISIPALITEIT
LEKHOATLA LA MOTSE

DIRECTORATE
CORPORATE SERVICES

COUNCILLORS



2 September 2019

To: Adv. T. Mea.
City Manager Mangaung Metro

Cc: Cllr. M. Siyonzana
Speaker Mangaung Metro

Cc: Cllr. O. Mlamleli
Executive Mayor Mangaung Metro

M. Mea HA
02/09/2019

Rule 38 Question: Number 6 Totius Avenue, Langenhoven Park

More and more owners of residences in Langenhoven Park have over the past year converted their properties into illegal businesses and or Student Houses. With specific reference to Erf 128, Langenhoven Park the DA would like to ask the following Rule 38 Questions:

1. Was an inspection done on the said premises?
2. If so; when was the inspection done?
3. If so; which findings were made during the inspection?
4. Has the owner submitted any building plans for the said premises?
5. If so; when were the building plans submitted?
6. If so; when were the plans approved by the metro?
7. If so; has the property been changed according to these building plans?
8. For which use does the owner intend to use the premises?
9. What is the zoning of the said residence?

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10. Is the owner currently using the property as a pub and or other business?
11. If so; does the owner have the necessary permission from the metro to do so?
12. If not; has a warning and or fine been issues?
13. If so; when was this done?

Thanking you in anticipation



Cllr Dulandi Leech
082 341 4879
dulandi@da.fs.org.za



Attention: J.S. Matsoso

Sir

ZONING AND PERMISSIBLE USES: ERF 588 LANGENHOVENPARK, BAINSVLEI, BLOEMFONTEIN

In terms of the approved Bainsvlei Town Planning Scheme (B.T.P.S), the above-mentioned property is zoned "Special Residential 1" and may only be used for the following purpose:

Dwelling houses

With special consent of the Mangaung Metropolitan Municipality, they may also be used for the following purposes:

Places of public worship
Places of instruction
Community Halls
Institutions
Intermediate residential buildings and
Nurseries

The development restrictions applicable on "Special Residential 1" are as follow:

- COVERAGE:** 50%
- HEIGHT:** No building with more than three storeys may be erected in the area, provided that:
- a) if a building is designed with a parking area on the ground level a further storey shall be permitted if the parking area covers at least 60% of the ground floor.
- SIDE SPACES:** 1m (if the erf is smaller than 1 500m²)
- STREET BUILDING LINE:** 9m from the street boundary

For any further possible restrictions see the title deed of the above-mentioned property.

Yours faithfully


.....
S.M. MAHAO
ACTING GENERAL MANAGER: TOWN AND REGIONAL PLANNING

25/10/19
.....
DATE


.....
B.S. MTHEMBU
HEAD OF DIRECTORATE: PLANNING

28/10/2019
.....
DATE



Our Ref: Mr. J.S. Matsoso

Your Ref: Erf 588

Date: 29 October 2019

Tel no: 051 4058690 (between 08:00 – 09:00 &
15:00-16:00)

Eliades Family Trust
P/a 6 Totius Avenue
Langenhoven Park
BLOEMFONTEIN
9301

NOTICE IN TERMS OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT (NO. 103 OF 1977), AS AMENDED: ERF 588, 6 TOTIUS AVENUE, LANGENHOVEN PARK, BLOEMFONTEIN.

A notice Issued accordingly the provision of Regulation A25(6) of the National Building Regulations and Building Standards, enact in terms of the Act on National Building Regulations and Standards, Act Nr.103 of 1977 (hereafter "the Act") in respect of the premises described above and ordering you as the owner to comply within the period specified.

1. In terms of Section 4(1) of the above-mentioned Act:

"No person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans and specifications are to be drawn and submitted in terms of this Act".

2. In terms of Regulation A25 (5) of the above-mentioned Regulations:

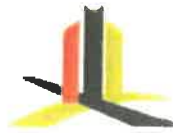
"Any person who, having obtained approval in terms of the Act for the erection of any building, deviates to any material degree from any plan, drawing or particulars approved by the local authority shall, except where such deviation has been approved, be guilty of an offence".

3. In terms of Regulation A25 (1) of the above-mentioned Regulations:

"No person shall use any building or cause or permit any building to be used for a purpose other than the purpose shown on the approved plans of such building, or for a purpose which causes a change in the class of occupancy as contemplated in these regulations, whether such plans were approved in terms of the Act, or in terms in force at any time before the date of commencement of the Act, unless such building is suitable, having regard to the requirements of these regulations, for such first-mentioned purpose or for such changed class of occupancy.".

4. In terms of Regulation A 9 (1) of the above-mentioned Regulations:

"Where so required by the local authority, any application in respect of the erection of any building not being a dwelling house, shall be accompanied by a fire plan which shall clearly show any fire protection measures provided in terms of these regulations.".



5. In terms of Section 12(4) of the above-mentioned Act:

"If the local authority in question deems it necessary for the safety of any person, it may by notice in writing, served by post or delivered:

- a) Order the owner of any building to remove, within the period specified in such notice, all persons occupying or working or being for any other purpose in such building therefrom, and to take care that any person not authorized by such local authority does not enter such building;***
- b) Order any person occupying or work or being for any other purpose in any building, to vacate such building immediately or within a period specified in such notice."***

6. 'building' includes-

- (a)** any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with-
 - (i)** the accommodation or convenience of human beings or animals;
 - (ii)** the manufacture, processing, storage, display or sale of any goods; [Sub-para (ii) substituted by s. 1 (b) of Act 62 of 1989.]
 - (iii)** the rendering of any service;
 - (iv)** the destruction or treatment of refuse or other waste materials;
 - (v)** the cultivation or growing of any plant or crop;
- (b)** any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c)** any fuel pump or any tank used in connection therewith;
- (d)** any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e)** any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

7. On 25 October 2019 an inspection in respect of the above-mentioned property was conducted, wherein it was revealed that the dwelling being used for other purposes (business) that are indicated on the approved building plan number 224 2008/2009, dated 18/08/2008. Illegal alterations carried out, without the prior approval of the Local Authority. The buildings are also been used by the public and workers daily and their safety are at risk.

8. Building used for other purposes that are not indicated on the approved building plans (illegal business).

9. The building is also been used by the public and workers on a daily basis and their safety are at risk.



10. In terms of Section 12(4) and Regulation A25 (2) of the National Building Regulations and Building Standards Act (103 of 1977), you are hereby ordered to evacuate the said buildings, cease the contravention as mentioned in paragraph 7 above with immediate effect on receipt of this notice and use the buildings only for residential purposes.

12. You are further required in terms of Regulation A25 (7) & (10) of the National Building Regulations and Building Standards Act (103 of 1977), to demolish OR submit an application within 30 working days from date of this notice for consideration, in respect of the building work referred to in paragraph 7 above.

Failure to comply with this notice shall constitute an offence and will result in legal proceedings being instituted against you without further notice.

Should you have any queries regarding this notice, kindly contact the Building Inspector during the office hours as mentioned above.

Yours faithfully

N.C. Fourie
Senior Building Inspector
for Building Control Officer
(DULY AUTHORIZE SECTION 6 (4) ACT 103/1977)

RECEIPT OF NOTICE BY :

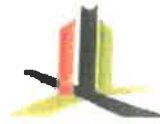
DATE 2019.10.30

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**DIRECTORATE
 PLANNING**

Our Ref: Smith J

Your Ref:

Date: 25/10/2019

Phone: 051-405 8407/0826513925

The Owner / Occupier
 6 Totius street
 LHP
 Bloemfontein
 9301



Sir/ Madam

NOTICE: UNLAWFUL USE OF PREMISES – OFFENCE IN TERMS OF SECTION 89 OF THE SPATIAL PLANNING LAND USE BY-LAWS

As the owner or occupant of the premises described hereunder, you are notified to cease the illegal land use being conducted from this property, being Erf _____, situated at 6 Totius Street LHP Bloemfontein. This property is seemingly used for illegal purposes, being **The Chop Shop, Viking Hair salon and the Roes Boer furniture.**

In terms of the approved Bainsvlei Town Planning Scheme no 1 of 1984 the above-mentioned premises have been zoned for Residential and may be used for that purpose only. Using the premises for any other purpose it has been zoned for is a contravention in terms of Section 89(1) (c) and 89(2) of the By-laws relating to Municipal Land Use Planning. Your illegal land use is furthermore a contravention of Section 58(1)(b) of the Spatial Planning Land Use Management Act, no 16 of 2013.

This is a notice in terms of section 91 of the said By-laws and requires from you: **to cease the illegal land use immediately** and thereafter to apply for rights to use the premises legally. You may provide or make a representation to the Head of Directorate: Planning within 30 days from date of receipt of this letter regarding your land use and or activities. You may only use this property for the permitted uses in terms of its current zoning.

Should you fail to adhere to this notice and continue with the illegal use of the said property, you may be prosecuted for and convicted of an offence and, or the Municipality may obtain a court order to enforce compliance at your costs, without any further notice in this regard. Please note that the Municipality had not suspended the urgent compliance with this notice and requires your urgent compliance immediately.

NB: that if you fail to comply with this notice you are guilty of a continuous offence in terms of the By-laws and penalisable with a fine in amount of R 11 000 and thereafter to a fine of R 2750.00 per month for each month that the contravention endures.

The Municipality may also apply for your imprisonment during the determination of this matter by the Court, depending on the gravity of the contravention.

Manager: Enforcement
 Land Use Control

NOTICE HEREOF RECEIVED ON THIS DAY: 25 Month 10 Year: 2019

Signature: _____ Time: 13:16

Email: Johannes.Smith@mangaung.co.za